

RECEIVED
CENTRAL FAX CENTER
APR 22 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appln. No. : 09/629,370
Applicant(s) : Jason Sulak et al.
Filed : July 31, 2000
T.C./A.U. : 2173
Examiner : Namitha Pillai
Docket No. : 109769.0020

I hereby certify that this correspondence (along with any other paper referred to as being attached or enclosed) is being faxed to APPEAL BRIEF at (571) 273-8300 on the date below.

Name: Jennifer C. Ridge

Signature: 

Date: April 22, 2008

VIA FACSIMILE (571) 273-8300
Mail Stop APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORRECTED BRIEF OF APPELLANT UNDER 37 C.F.R. §1.192

This Corrected Appellant's Brief is filed with the Board of Patent Appeals and Interferences in response to a Notification of Non-Compliant Appeal Brief noticed on October 2, 2007 and mailed October 10, 2007 to Applicant's Agent's previous address.¹ This Corrected Brief is amended to accurately identify the claims on appeal and the status of all claims, and to map each of the independent claims to the specification by reference to pages and lines of description in the specification and Figures.

I. REAL PARTY IN INTEREST

The real party in interest in this matter is the Applicant/Assignee, American Greetings Corporation.

¹ A Change of Correspondence Address was filed with the Office on July 23, 2003.

RECEIVED
CENTRAL FAX CENTER
APR 22 2008

II. RELATED APPEALS AND INTERFERENCES

This application was the subject of a prior appeal, No. 2004-2283, in which the rejections of the claims, under 35 U.S.C. 102(e) and 103(a) and based upon different references and combinations of references than currently applied, were reversed. There are no other related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-5, 8-14 and 23-27 are on appeal.
Claims 1-5, 8-14 and 23-26 stand rejected.
Claims 6, 7 and 15-22 have been cancelled.

IV. STATUS OF AMENDMENTS TO THE CLAIMS

Claims 1, 14, 23 and 27 have been amended, and claims 15-22 cancelled by Applicant's SUPPLEMENTAL AMENDMENT AND RESPONSE, filed June 15, 2006, following the Interview conducted on June 13, 2006. The Final Office Action, dated August 2, 2006, does not acknowledge these amendments to the claims. The amendments submitted June 15, 2006 are reflected in the Appendix, CLAIMS ON APPEAL, part VIII of this Brief. No additional amendments to the claims have been made.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is the novel and non-obvious use of an internet web browser as the program by which a greeting card or other document can be selected, edited and assembled for printing. The invention eliminated the need for a separate "desktop publishing" program in order to print greeting cards downloaded from an internet website. See specification, page 1, line 14 to page 2, line 19. The invention enables a web browser to do this by downloading a "plug-in program" to the web browser which then launches the plug-in program. The plug-in program includes an engine and assembly component for selection and editing of assets of the printed product, including design elements and asset information for display, editing and printing assembly. This is not the same as a program which accesses a separate image processing program, remotely or locally, in order to modify an image component of a card. The invention is

the non-obvious combination of a web browser and the plug-in program which works with the web browser. The prior art does not teach or suggest the invention as it is defined by the claims.

The invention is the use of an internet web browser program (as opposed to using a dedicated desktop publishing program such as Print Shop) to create (e.g., edit and modify) and print a greeting card. What enables the web browser to be used for editing and printing of a greeting card design is a plug-in program which is detected and downloaded by the web browser. The plug-in program extends the capabilities of the web browser to allow the user to download and edit data defining a greeting card within the browser program. The plug-in program is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds the editing and print assembly features to the web browser. See specification, page 7, lines 9-15. One function of the engine component of the plug-in is to make selected assets (such as design elements defined by the defining data for a greeting card) available in the web browser so that they can be edited by the user. See specification, page 9, lines 23-25. Thus, the desired assets are selected by the user from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not modify the assets selected from server. The assets that are downloaded and modified by the user remain in their original form on the server for others to download and modify as desired.

This inventive concept, of using an internet web browser such as Microsoft Internet Explorer or Netscape Navigator as an editing and printing program is not taught or suggested by the prior art, particularly in the context of selection, editing and printing of greeting cards. None of the cited references teach or suggest the modification of a web browser by use of a plug-in program. The reference which is most relevant on this point, the Leone patent, suggests the use of an applet as an image processing program. As further explained below, this does not make obvious Applicant's claims to a plug-in program downloaded to a web browser for modification and printing of a greeting card.

The plug-in program extends the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program. The plug-in is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds a new feature to the browser. See specification, page 7, lines 9-15. One function of the engine component of the plug-in is to make selected assets, such as design elements defined by the defining data, for a printed product available in the browser such that they can be edited by the

user. See specification, page 9, lines 23-25. Thus, the desired assets are selected by the user from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not modify the assets selected from the server.

Independent claims 1, 10, 14, 23 and 27 clearly define that the first program is downloaded and installed on the user's computer. See specification, page 8, lines 16-18. Data defining the selections made by the user over the Internet regarding the decorative designs that are to be assembled on the card are downloaded to the user's computer as an appropriately formatted file, such as a CPT file, for example. See specification page 12, lines 1-7. The display, editing and assembly of the printable product defined by the downloaded file is to be performed by the plug-in program, which is downloaded and installed on the user's computer. See specification, page 12, lines 7-8.

In response to the last non-final Office Action, the claims were amended to more clearly define this and other novel and non-obvious aspects of the invention, specifically to define the use of an internet web browser program (as opposed to using a dedicated desktop publishing program such as Print Shop) to create (e.g., edit and modify) and print a greeting card, by use of a plug-in program which is detected and downloaded by the web browser, and to extend the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program.² The specific card selection, text editing and print formatting functions enabled by the plug-in program are now expressly recited in the claims as amended.

The concept of using an internet web browser, such as Microsoft Internet Explorer or Netscape Navigator, as an editing and printing program is not taught or suggested by the prior art, particularly as it is applied to the selection, editing and printing of greeting cards, as is particularly defined by the claims. The cited references simply do not teach or suggest the modification of a web browser by use of a plug-in program.

² The plug-in program is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds the editing and print assembly features to the web browser. See specification, page 7, lines 9-15. One function of the engine component of the plug-in is to make selected assets (such as design elements defined by the defining data for a greeting card, i.e., text and graphics) available in the browser so that they can be edited by the user. See specification page 9, lines 23-25.

Mapping of the Independent Claims 1, 10, 14, 23 and 27 to the Specification

Independent claim 1.

1. A system for on-line creation of a printable product (specification, page 1, Title), the system comprising:

at least one server accessible via a computer network, said at least one server storing defining data defining a plurality of printable products including one or more design elements (specification page 9, lines 13-20, FIG. 2), and a first program providing modification functions within a web browser program for modifying defining data which is downloaded from the at least one server by the web browser program (specification page 9, line 21 to page 10, line 16, FIG. 2) and assembly functions for assembling a printable product suitable for printing;

a client computer for accessing said server (specification, page 9, lines 14-16, FIG. 2), wherein said at least one server downloads said first program and said defining data to said client computer (specification page 9, lines 21-22); and

a printer operatively coupled with said client computer (specification page 12, line 25 to page 13, line 3), wherein said first program assembles printing data for printing the printable product on the printer (specification, page 9, lines 21-22);

wherein said client computer includes a web browser program for accessing said web server (specification page 10, lines 7-16), and wherein said first program enables the modification functions within said web browser program (specification page 10, lines 7-27);

wherein said first program controls the downloading to the client computer of the defining data that defines a selected printable product (specification page 10, lines 7-16), said defining data defining at least one of: graphical elements, text elements, and formatting data associated with the graphical and text elements (specification page 9, line 27 to page 10, line 6);

wherein said assembly of printing data by said first program includes at least one of: resizing, scaling, division into panels that anticipate printing in a desired printing format (specification page 12, lines 8-100;

and wherein said modification functions of said first program includes modification of at least one of the design elements selected from the group of: font, color, alignment, position within a panel, adding a design element, and deleting a design element (specification page 11, lines 6-8).

Independent Claim 10.

10. A computer usable medium having computer readable program code means embodied therein for creating, modifying and printing of a printable product (specification page 8, line 19 to page 9, line 9, FIG. 1), the computer readable program code means comprising:

means for downloading data defining the printable product (specification page 7, lines 24-26, FIG. 1);

means for modifying a browser program on a personal computer of a user to allow the user to edit the data defining a printable product within the browser program (page 7, lines 8-19);

modification means for modifying the defining data (specification page 8, lines 19-27);

and

print formatting means for formatting the defining data for printing (specification, page 9 lines 1-9, FIG. 1).

Independent Claim 14.

14. A method for generating a printable product using an online system accessible via a computer network, the method comprising:

storing on a server accessible via the computer network, defining data of a plurality of printable products including one or more design elements (specification page 9, lines 14-20, FIG. 2);

storing on the server a first program to enhance the functionality of a web browser program by providing the web browser with modification functions for modifying the defining data and assembly functions for assembling a printable product suitable for printing (specification page 9, line 21 to page 10, line 6), wherein the assembly and modification functions occur within the web browser program on a client computer (specification page 9, lines 21-25); wherein said first program controls the downloading to the client computer of the defining data of a selected printable product (specification page 9, lines 23-27), and wherein said defining data defines at least one of the design elements selected from the group of: graphical elements, text elements, and formatting data associated with the graphical and text elements

(specification page 10, lines 1-4 and page 11, lines 1-14, FIGS. 3 and 4);

downloading the first program to the client computer (specification page 9, lines 21-22) accessing the server through the web browser program, to provide for the user modification and printing of a printable product at the client computer via the web browser, using the first program in connection with the web browser to assemble printing data for printing the printable product on the printer (specification page 12, lines 1-10), wherein said step of assembling printing data includes at least one of the steps of: resizing, scaling, division into panels that anticipate printing in a desired printing format (specification page 12, lines 9-10); and wherein said modification function of said first program further includes the step of modification to at least one of: font, color, alignment, position within a panel, adding a design element, and deleting a design element (specification page 11, lines 6-10), and

printing the printable product on a printer operatively coupled to the client computer (specification page 9, lines 5-6, FIG. 1).

Independent Claim 23.

23. A system for enabling a user to create and print a social expression product over a computer network, comprising:

a web server (specification page 9, lines 13-20, FIG. 2);

a personal computer of the user having means for communicating with the web server over the computer network (specification page 6, lines 11-26);

a web browser located on the personal computer of the user (specification, page 6, lines 6-10);

a database containing defining data defining a plurality of printable products including one or more design elements (specification page 9, lines 16-20, FIG. 2);

a plug-in program stored on the web server and downloaded to the web browser loaded on the personal computer of the user, the plug-in program providing the user with means for retrieving defining data, means for modifying the retrieved defining data and means for assembling a social expression product on the personal computer of the user (specification page 9, line 21 to page 10, line 6); and

a printer operatively coupled to the personal computer of the user, wherein the user is able to print a social expression product at the personal computer of the user (specification page 9, lines 5-6, FIG. 1).

Independent Claim 27.

27. A computer system for selecting, modifying and printing customized greeting cards comprising:

one or more databases containing multiple greeting cards identified and selectable by contents, genre and attributes, the one or more databases further including selectable assets for each greeting card including graphic and textual designs for front panels, inside panels and back panels of greeting cards, and selectable text elements including font, point size, color and alignment and print parameters (specification page 11, lines 1-14, FIGS. 3 and 4);

a personal computer programmed with an Internet web browser and operatively connected to a web server whereon the one or more databases reside in the form of URL-identifiable pages for transmission to the personal computer via hypertext transport protocol and display formatted according to hypertext mark-up language including one or more embedded formatting commands at least one of which is a plug-in program (specification page 6, lines 11-26; page 7, lines 8-19)

the plug-in program being downloadable to the Internet web browser of the personal computer which is operative to detect and launch the plug-in program by a file extension (specification page 10, lines 7-13), the plug-in program including an engine and assembly component for selection (specification page 10, lines 25-26), display and editing of assets of a greeting card (specification page 9, lines 21-27), the plug-in program including editing functions for selected greeting card text elements, graphic elements and asset information for display, editing and printing assembly for all panels of a greeting card (specification page 10, lines 1-6), and printing assembly including scaling and resizing and division into greeting card panels for printing according to a selected greeting card fold format (specification, page 12, lines 1-10, FIG. 2), the plug-in program operative to select, display and edit greeting card text elements including a record identifier, a greeting card category, text element font and point size, text element position on a panel, text element alignment and text string, and addition or deletion of text elements (specification page 11, lines 1-14, FIGS. 3 and 4).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether Claims 1-5 and 8-26 are properly rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,311,214 B1 (Rhoads), U.S. Patent No. 6,494,571 (Finkel)

and U.S. Patent No. 6,704,120 B1 (Leone III et al.), herein referred to as "Leone". Each of the claims 1-5 and 8-26 are separately patentable and do not stand or fall together as grouped.

B. Whether Claim 27 is properly rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,552,994 (Cannon et al.), herein referred to as "Cannon", and U.S. Publication No. 2001/0034746 A1 (Tsakiris et al), herein referred to as "Tsakiris", and the publication entitled "Helpers and Plug-ins".

VII. ARGUMENT

The following arguments are in support of the Applicant's request in this appeal that the final rejections of the claims be reversed. Each ground of rejection is addressed. Each claim, including each independent claim, is separately argued, and the patentability of the claims does not stand or fall as grouped in the rejection.

A. Claims 1-5 and 8-26 are not properly rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,311,214 B1 (Rhoads), U.S. Patent No. 6,494,571 (Finkel) and U.S. Patent No. 6,704,120 B1, Leone.

The rejection of claims 1-5 and 8-26 is based upon an unsuggested combination of disparate disclosures which do not teach or suggest the claimed subject matter, either by themselves or from the knowledge of one skilled in the art. Claims 15-22 have been cancelled, rendering that aspect of the rejection moot.

The disclosures of each of the cited references is analyzed below.

Rhoads, U.S. Patent No. 6,311,214 B1

The Rhoads patent merely discloses encoded greeting cards which, when read by an image capture device of a computer, prompts the display of a corresponding web page or other computerized presentation. See Rhoads, col. 1, lines 49-52:

"The centerpiece of the invention is that an object or paper product so-scanned contains digital information that can be quickly read and acted upon by an appropriately configured device, computer or appliance."

And see, Rhoads at col. 10, lines 10-29:

"In accordance with a further embodiment of the invention, greeting cards and the like are encoded (e.g., by texturing, printing, etc.) with Bedoop data. On receiving such a card, a recipient holds it in front of the image capture device on a

laptop or other computer. The computer responds by displaying an internet web page that has a stock- or customized-presentation (image, video, audio-video, etc.) to complement that presented on the greeting card.”

This has nothing whatsoever to do with printing a greeting card by use of a downloaded program and a web browser. As acknowledged by the Examiner, Rhoads does not teach or suggest a first program and defining data which is downloaded from a server to client for printing a card.

Finkel, U.S. Patent No. 6,494,571

The Finkel patent describes a printing method and program wherein the user can set the actual print area of the image to be printed to be larger than the primary printable areas, and to extend beyond perforations in the print paper to achieve edge-to-edge printing. More specifically, the Finkel patent is concerned with having the print area extend beyond perforations and to one edge of the “printing medium” (i.e., paper) so that there are only three perforation lines, as shown in FIGS. 6-9. See Finkel, col. 6, lines 47-60,

“To achieve this result, the user can set the actual print area of the image to be larger than the primary printable area using the application program.”

As acknowledged by the Examiner, the Finkel patent does not teach or suggest the downloading of any program or defining data for printing. The Finkel patent teaches only, “...a personal computer 131, including a central processing unit, loaded with an operating system program and an application program such as MICROSOFT WORD, ...”. Finkel, col. 6, lines 38-40. Significantly, there is no suggestion by Finkel to combine the concept of setting the print area to extend over perforation lines in the print paper with any other programs, program modifications or downloads from other computers or servers. Without such suggestion, the only rationale for any reference to Finkel, or combining Finkel with Rhoads, is from Applicant’s invention. Also, Finkel does not teach downloading of any defining data other than the print area parameters, so there is no teaching at all of any other editing functions enabled by a program which is downloaded and launched by a web browser.

Leone, U.S. Patent No. 6,704,120 B1

The third combined patent, Leone, discloses a data template for a personalized printed product incorporating image processing operations. Col. 8, lines 61-63. Specifically, Leone is concerned with image processing in the form of imaging utilities which can be accessed and used

to modify a scanned image so that a modified image can be included in the data template for a greeting card to be printed.

See Leone, col. 1, FIELD OF THE INVENTION; col. 2, lines 8-15; col. 3, lines 13-16:

“automating the utilities that provide these image modifications would allow their use by an unskilled operator in preparing a greeting card, invitation, or similar type of personalized printed product.”

And see, Leone, col. 4, lines 8-12:

“...providing a flexible set of imaging utilities for automated enhancement of personalized printed product, where the set of imaging utilities can be regularly updated and available to customers in preparing printed products.”; and col. 4, lines 38-42: “a new personalized printed product to be introduced that uses an image processing operation that is not available with the original software application itself.”

In Leone, a software application 60 runs on a personal computer to generate a personalized printed product (i.e. greeting card), and which associates each product or card design with a product template from a product template database. Leone, col. 6, lines 6-14. The application 60 has the ability to extend or augment itself based on the needs of specific products, and specifically for product templates which include an image processing operation for a scanned image. The application 60 does this by accessing an image processing program 80 to be under the control of application 60. Leone, col. 6, lines 32-40. This type of program augmentation, which occurs during the execution of a main program, is referred to as “reflection” by those skilled in the Java programming language. Leone describes the use of XML or Java for page definition languages and standard to define a product template for data presentation. See Leone, col. 1, lines 38-65 and col. 8, lines 35-54. Using XML as the preferred embodiment of the product data, Leone describes three different methods for the inclusion of code related to the special image processing. This is not the same as or equivalent to the claimed program of the present invention.

Leone describes as an alternative embodiment, at col. 8, lines 49-54:

“A downloaded Java class that serves as image processing program 80 could optionally be embodied as an applet. This would allow application 60 to operate within a Web browser, offering the advantage of widespread access to imaging and printing capabilities for internet users.”

But downloading of an image processing program is not the same as the claimed “first program” or “plug-in program” which include modification functions for modifying the defining data and assembly functions for assembling a printed product for printing. Those functions are performed by Leone’s application 60 which as described runs on the client computer. See Leone, FIG. 2 and col. 6, lines 6-8.³

Furthermore, the portion of the Leone patent which describes the applet embodiment is technically incorrect because the interrelationship between the application 60 and the image processing program 80 is reversed. If application 60 were to be written as an applet to operate within a Web browser, then the image processing program 80 could be also embodied as an applet. As described, application 60 is clearly the controlling client-resident program, so that the implementation options of the image processing program 80 are dependent upon application 60. In Leone, col. 8, lines 49-54, this description is reversed.

In addition to this fundamental error, the teaching of Leone is incomplete and therefore non-enabling, even for one skilled in the art (of Java programming). Those skilled in the art would know that the Java application 60 could be invoked equally as well from a browser as from a command line. As an example, if application 60 resided on a web server, a sample command to start it might be: “http://webserver.com/program60.jar”. In this case, the web browser serves no function other than a means to invoke application 60, and application 60 would run with no interaction with the browser (i.e., it would not be executed in the *sandbox*). Leone does not provide this description. Further, Leone does not teach how program 80, if developed as an applet, can be invoked and communicate with application 60 when application 60 is not an applet. Also, because applets execute in the sandbox, they are prohibited from access (read or write) to the client’s local disk. It is apparent to one skilled in the art that if application 60 and program 80 are applets, then the embodiment described at column 6, lines 22-24, with the templates database stored locally, is not an option. The privacy restrictions of the sandbox restrict this. Leone does not teach that the network or remote host options must be used.

The present claims are patentably distinct over Leone on this point by the language:

³ A Java applet is computer code written in the Java programming language. Java applets can run in a web browser using a Java virtual machine (JVM), or in Sun's AppletViewer, a stand alone tool to test applets. Applets are used to provide interactive features to web applications that cannot be provided by HTML. They are executed in a *sandbox* by most web browsers, preventing them from accessing local data. The code of the applet is downloaded from a web server and the browser either embeds the applet into a web page or opens a new window showing the applet's user interface.” (http://en.wikipedia.org/wiki/Java_applet).

"a client computer for accessing said server, wherein said at least one server downloads said first program and said defining data to said client computer; ...". Claim 1.

and

"means for modifying a browser program on a personal computer of a user to allow the user to edit the data defining a printable product within the browser program;..." Claim 10

and

"wherein the assembly and modification functions occur within the web browser program on a client computer (specification page 9, lines 21-25); wherein said first program controls the downloading to the client computer of the defining data of a selected printable product (specification page 9, lines 23-27), and wherein said defining data defines at least one of the design elements selected from the group of: graphical elements, text elements, and formatting data associated with the graphical and text elements..." Claim 14

and

"a plug-in program stored on the web server and downloaded to the web browser loaded on the personal computer of the user, the plug-in program providing the user with means for retrieving defining data, means for modifying the retrieved defining data and means for assembling a social expression product on the personal computer of the user..." Claim 23

and

the plug-in program being downloadable to the Internet web browser of the personal computer which is operative to detect and launch the plug-in program by a file extension, the plug-in program including an engine and assembly component for selection, display and editing of assets of a greeting card, the plug-in program including editing functions for selected greeting card text elements, graphic elements and asset information for display, editing and printing assembly for all panels of a greeting card, and printing assembly including scaling

and resizing and division into greeting card panels for printing according to a selected greeting card fold format, the plug-in program operative to select, display and edit greeting card text elements including a record identifier, a greeting card category, text element font and point size, text element position on a panel, text element alignment and text string, and addition or deletion of text elements.”
Claim 27.

Leone does not teach or suggest that the application 60 can be downloaded, and in fact consistently teaches the opposite. See Leone, col. 6, lines 6-8 and 40-43;

“It should be noted that image processing program 80 need not be on a separate host computer, but could alternately be locally stored on the same computer that hosts application 60.”

This teaches away from the invention as claimed wherein the “first program” or “plug-in program” are stored on and downloaded from a server, and which retrieve the product-defining data – enable modification of the data – and assemble the product for printing, is downloaded from a server. See Applicant’s claims 1, 14, 22 and 27.

Further, the “first” or “plug-in” programs as claimed differ from an applet in several respects, including:

1. access via a web browser provides a way for the programs to register themselves and remain permanent on the client computer;
2. the programs do not have the same security restrictions of an applet and have access to a local disk; providing a greater range of flexibility on where input files are located; in addition, the programs have write capability, and are able to update definition files such that user-specified manipulations are recorded for future use.

By disclosing only the downloading of an applet as an image processing program, Leone does not teach or suggest the claimed use of a plug-in program with these features, functions and benefits. Furthermore, the Leone alternative embodiment, wherein application 60 and program 80 are applets, requires a download each time that the browser invokes the programs. For larger programs, this is an inconvenience and is inconsistent with the objectives of the invention.

According to the present application, each page of information, commonly referred to as a web page or web site, is identified by a Universal Resource Locator (“URL”) which identifies the server on which the web site is stored and the location of that particular web site on the

server. (See page 6, lines 1-5). A web browser program, on the other hand, is a piece of software used by a computer to communicate with networks of servers to retrieve and display web pages identified by a particular URL. (See page 6, lines 11-26).

For example, claim 10 was previously amended to recite the limitation of means for modifying a browser program on a personal computer of a user to allow the user to edit the defining data within the browser program. As taught in the present application, the means for modifying the browser program is a plug-in which extends the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program. The plug-in is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds a new feature to the browser. (See page 7, lines 9-15). One function of the engine component of the plug-in is to make selected assets, such as design elements defined by the defining data, for a printed product available in the browser such that they can be edited by the user. (See page 9, lines 23-25). Thus, the desired assets are selected by the user from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not modify the assets selected from the server. The assets that were downloaded and modified by the user remain in their original form on the server for others to download and modify to fit their needs.

Claim 10 further defines the following:

"means for downloading data defining the printable product", as described at page 7, line 24 to page 8, line 18, with reference to FIG. 1;

"means for modifying a browser program on a personal computer of a user to allow the user to edit the data defining a printable product within the browser program", page 8, lines 19-20 and FIG. 5D (web page displays to the user for modifying each panel of the card selected), and as further described at page 9, line 21 to page 10, line 6, with reference to FIG. 2;

"modification means for modifying the defining data", page 9, line 27 to page 10, line 6, with reference to FIG. 2, and

"print formatting means for formatting the defining data for printing", as described at page 11, lines 9-14, with reference to FIGS. 3 and 4.

And independent claim 23 defines:

"a plug-in program stored on the web server and downloaded to the web browser loaded on the personal computer of the user, the plug-in program providing the user with means for retrieving defining data, means for modifying the retrieved defining data and means for assembling a social expression product on the personal computer of the user;...".

The explicit language of the claims clearly defines that the program code "enables modification functions within said web browser program" to allow the user to edit the data defining the printable product within the browser program. Claim 1, lines 12-13. The claims are clear that the first program is downloaded and installed on the user's computer. Claim 1, lines 14-15, specification page, 8, lines 16-18. Data defining the selections made by the user over the Internet regarding the decorative designs that are to be assembled on the card are downloaded to the user's computer as an appropriately formatted file, such as a CPT file, for example. (See page 12, lines 1-7). The display, *editing* and assembly of the printable product defined by the downloaded file is to be performed by the plug-in, which is installed on the user's computer. (See page 12, lines 7-8). Neither Rhoads, Finkel or Leone make any mention of modifying the browser program on the user's computer or editing the defining data within the browser program once the defining data is downloaded to the user's computer as defined by claim 10.

B. Claim 27 stands rejected under 35 U.S.C. 103(a) as unpatentable over Cannon (U.S. Patent No. 5,552,994) and Tsakiris et al. (U.S. Publication No. 2001/0034746), and the cited publication entitled "Helpers and Plug-ins". This rejection should be reversed because neither of these references suggests or otherwise makes obvious the claimed subject matter. Claim 27 defines each of the attributes of the invention as a system for composition and printing of greeting cards. Claim 27 as amended contains each of the limitations of claims 1-26. The Cannon patent, previously discussed in this prosecution, is an electronic database of greeting card attributes which are selected prior to printing. The Cannon patent is not concerned with and does not teach or suggest editing and scaling of each panel of a greeting card by use of a plug-in program which is downloaded to a web browser. The Tsakiris application describes the generation of "web cards" (web pages which are read by mobile devices), to expedite internet browsing requests with a mobile device by avoiding tedious input and clicking through hyperlinks. The reference to "web cards" has no correlation or relevance to paper "greeting cards" as defined by the subject application. Neither Cannon or Tsakiris, nor the article "Helpers and Plug-Ins" teach or suggest the claimed combination of a plug-in program downloaded to a web browser, with the plug-in program including an engine and assembly component for selection and editing of assets of a greeting card, including selected greeting card design elements and asset information for display, editing and printing assembly for all panels of a

greeting card, and printing assembly including scaling and resizing for division into greeting card panels for printing, all as defined by claim 27.

In response to the final Office Action, claim 27 was amended specifically to define the use of an internet web browser program (as opposed to using a dedicated desktop publishing program such as Print Shop) to create (e.g., edit and modify) and print a greeting card, by use of a plug-in program which is detected and downloaded by the web browser, to extend the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program. The specific card selection, text editing and print formatting functions enabled by the plug-in program are expressly recited in claim 27.

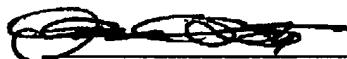
The concept of using an internet web browser such as Microsoft Internet Explorer or Netscape Navigator as an editing and printing program is not taught or suggested by the prior art, particularly as it is applied to the selection, editing and printing of greeting cards, as is now particularly defined by the claims. The cited references do not teach or suggest the modification of a web browser by use of a plug-in program.

For all of the foregoing reasons, reversal of the rejections of the claims is respectfully requested. **Please charge all fees, including the Petition Fee to our Deposit Acct. No. 500959.**

Respectfully submitted,
ROETZEL & ANDRESS

APRIL 22, 2008

Date



James C. Scott
Reg. No. 35,351
1375 E. 9th Street
One Cleveland Center, 9th Floor
Cleveland, Ohio 44114
(216) 623-0150 (reception)
(216) 623-0134 (facsimile)

APPENDIX

VIII. CLAIMS ON APPEAL

1. (Rejected) A system for on-line creation of a printable product, the system comprising:

at least one server accessible via a computer network, said at least one server storing defining data defining a plurality of printable products including one or more design elements, and a first program providing modification functions within a web browser program for modifying defining data which is downloaded from the at least one server by the web browser program, and assembly functions for assembling a printable product suitable for printing;

a client computer for accessing said server, wherein said at least one server downloads said first program and said defining data to said client computer; and

a printer operatively coupled with said client computer, wherein said first program assembles printing data for printing the printable product on the printer;

wherein said client computer includes a web browser program for accessing said web server, and wherein said first program enables the modification functions within said web browser program;

wherein said first program controls the downloading to the client computer of the defining data that defines a selected printable product, said defining data defining at least one of: graphical elements, text elements, and formatting data associated with the graphical and text elements;

wherein said assembly of printing data by said first program includes at least one of: resizing, scaling, division into panels that anticipate printing in a desired printing format;

and wherein said modification functions of said first program includes modification of at least one of the design elements selected from the group of: font, color, alignment, position within a panel, adding a design element, and deleting a design element.

2. (Rejected) A system according to claim 1, wherein said plurality of printable products includes at least one of: announcements, banners, business cards, calendars, greeting cards, certificates, craft cards, envelopes, gift tags, invitations, labels, message cards, origami, postcards, posters, stationary, and stickers.

3. (Rejected) A system according to claim 1, wherein said client computer includes a browser program for accessing said web server, wherein said first program enhances the functionality of said browser program.

4. (Rejected) A system according to claim 3, wherein said first program controls the downloading to the client computer of the defining data that defines a selected printable product.

5. (Rejected) A system according to claim 1, wherein said defining data defines at least one of: graphical elements, text elements, and formatting data associated with the graphical and text elements.

6. (Rejected) A system according to claim 1, wherein said system further comprises a printer associated with said client computer.

7. (Rejected) A system according to claim 6, wherein said first program assembles printing data for printing the printable product on the printer.

8. (Rejected) A system according to claim 1, wherein said assembly of printing data includes at least one of: resizing, scaling, division into panels that anticipate printing in a desired printing format.

9. (Rejected) A system according to claim 1, wherein said modification function of said first program includes modification to at least one of: font, color, alignment, position within a panel, adding a design element, and deleting a design element.

10. (Rejected) A computer usable medium having computer readable program code means embodied therein for creating, modifying and printing of a printable product, the computer readable program code means comprising:

means for downloading data defining the printable product;

means for modifying a browser program on a personal computer of a user to allow the user to edit the data defining a printable product within the browser program;

modification means for modifying the defining data; and

print formatting means for formatting the defining data for printing.

11. (Rejected) A computer readable program code means according to claim 10, wherein said modification means includes means for manipulating one or more design elements.

12. (Rejected) A computer readable program code means according to claim 11, wherein said design elements includes at least one of: text, graphics, audio and video.

13. (Rejected) A computer readable program code means according to claim 10, wherein said print formatting means performs at least one of the following functions: resizing, scaling, and division into panels associated with a fold format.

14. (Rejected) A method for generating a printable product using an online system accessible via a computer network, the method comprising:

storing on a server accessible via the computer network, defining data a plurality of printable products including one or more design elements;

storing on the server a first program to enhance the functionality of a web browser program by providing a the web browser with modification functions for modifying the defining data and assembly functions for assembling a printable product suitable for printing, wherein the assembly and modification functions occur within the web browser program on a client computer; wherein said first program controls the downloading to the client computer of the defining data of a selected printable product, and wherein said defining data defines at least one of the design elements selected from the group of: graphical elements, text elements, and formatting data associated with the graphical and text elements;

downloading the first program to the client computer accessing the server through the web browser program, to provide for the user modification and printing of a printable product at the client computer via the web browser, using the first program in connection with the web

browser to assemble printing data for printing the printable product on the printer, wherein said step of assembling printing data includes at least one of the steps of: resizing, scaling, division into panels that anticipate printing in a desired printing format; and wherein said modification function of said first program further includes the step of modification to at least one of: font, color, alignment, position within a panel, adding a design element, and deleting a design element, and

printing the printable product on a printer operatively coupled to the client computer.

15. (Canceled) A method according to claim 14, wherein said plurality of printable products includes at least one of: announcements, banners, business cards, calendars, greeting cards, certificates, craft cards, envelopes, gift tags, invitations, labels, message cards, origami, postcards, posters, stationary, and stickers.

16. (Canceled) A method according to claim 14, wherein said client computer includes a browser program for accessing said web server, wherein said first program enhances the functionality of said browser program.

17. (Canceled) A method according to claim 16, wherein said first program controls the downloading to the client computer of the defining data that defines a selected printable product.

18. (Canceled) A method according to claim 14, wherein said defining data defines at least one of: graphical elements, text elements, and formatting data associated with the graphical and text elements.

19. (Canceled) A method according to claim 14, wherein said method further comprises using the first program to assemble printing data for printing the printable product on the printer.

20. (Canceled) A method according to claim 19, wherein said step of assembling printing data includes at least one of: resizing, scaling, division into panels that anticipate printing in a desired printing format.

21. (Canceled) A method according to claim 14, where said modification function of said first program includes modification to at least one of: font, color, alignment, position within a panel, adding a design element, and deleting a design element.

22. (Canceled) A system for enabling a user to create and print a social expression product over a computer network, comprising:

- a web server;
- a personal computer of the user having means for communicating with the web server over the computer network;
- a web browser located on the personal computer of the user;
- a database storing defining data defining a plurality of printable products including one or more design elements, said database communicatively coupled to the web server;
- a plug-in program stored on the web server and downloaded to the web browser loaded on the personal computer of the user, the plug-in program providing the user with means for retrieving defining data from the database, means for modifying the retrieved defining data and means for assembling a social expression product on the personal computer of the user; and
- a printer operatively coupled to the personal computer of the user, wherein the user is able to print a social expression product at the personal computer of the user.

23. (Rejected) A system for enabling a user to create and print a social expression product over a computer network, comprising:

- a web server;
- a personal computer of the user having means for communicating with the web server over the computer network;
- a web browser located on the personal computer of the user;
- a database containing defining data defining a plurality of printable products including one or more design elements;
- a plug-in program stored on the web server and downloaded to the web browser loaded on the personal computer of the user, the plug-in program providing the user with means

for retrieving defining data, means for modifying the retrieved defining data and means for assembling a social expression product on the personal computer of the user; and

a printer operatively coupled to the personal computer of the user, wherein the user is able to print a social expression product at the personal computer of the user.

24. (Rejected) A system according to claim 23 wherein said storage devices is one of a group consisting of a remote storage device, a web server, a personal computer, and a storage medium.

25. (Rejected) A system according to claim 23, wherein said plug-in program further provides the user with means for adding design elements from an external source, said added design elements created by the user.

26. (Rejected) A computer readable program code means according to claim 10, wherein said data defining a printable product is stored on one of a group consisting of a remote storage device, a personal computer, and a portable storage medium.

27. (Rejected) A computer system for selecting, modifying and printing customized greeting cards comprising:

one or more databases containing multiple greeting cards identified and selectable by contents, genre and attributes, the one or more databases further including selectable assets for each greeting card including graphic and textual designs for front panels, inside panels and back panels of greeting cards, and selectable text elements including font, point size, color and alignment and print parameters;

a personal computer programmed with an Internet web browser and operatively connected to a web server whereon the one or more databases reside in the form of URL-identifiable pages for transmission to the personal computer via hypertext transport protocol and display formatted according to hypertext mark-up language including one or more embedded formatting commands at least one of which is a plug-in program;

the plug-in program being downloadable to the Internet web browser of the personal computer which is operative to detect and launch the plug-in program by a file extension, the plug-in program including an engine and assembly component for selection, display and editing of assets of a greeting card, the plug-in program including editing functions for selected greeting card text elements, graphic elements and asset information for display, editing and printing assembly for all panels of a greeting card, and printing assembly including scaling and resizing and division into greeting card panels for printing according to a selected greeting card fold format, the plug-in program operative to select, display and edit greeting card text elements including a record identifier, a greeting card category, text element font and point size, text element position on a panel, text element alignment and text string, and addition or deletion of text elements.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE